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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1919

**Introduced by Assembly Member Brownley
(Coauthor: Assembly Member Ammiano)**

February 22, 2012

An act to amend Sections ~~52052~~, 60607, *and* 60641, ~~and 60900~~ of, and to add Sections 60810.5 and 60851.5 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1919, as amended, Brownley. Pupils: achievement data: ~~Academic Performance Index~~; charter schools.

~~Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils.~~

~~This bill would require the department to calculate and provide to a school district a secondary API that includes the API scores of the charter schools for which the school district is the chartering authority.~~

Existing law establishes various programs for measuring pupil achievement, including the Standardized Testing and Reporting (STAR) Program, the high school exit examination, and English language development testing programs. ~~Existing law establishes the California Longitudinal Pupil Achievement Data System (CALPADS), and requires that CALPADS have the capability to monitor pupil achievement on the STAR Program tests, high school exit examination, and English language development test from year to year and school to school.~~ Under existing provisions of state and federal law, pupil records are private and may not be disclosed without parental consent, subject to specified exceptions.

Existing law requires that each pupil have an individual record of accomplishment by the end of grade 12 that includes the results of specified achievement tests, end-of-course exams, and vocational education certification exams. Existing law requires that pupil results or a record of accomplishment be private, and prohibits the release to any person without express written parental consent, subject to certain exceptions.

This bill would require the ~~department~~ *State Department of Education* to provide ~~to a school district access to view and download certain individual pupil records in CALPADS for pupils who attend a charter school for which the school district is the chartering authority if the department is specifically authorized to provide those records to a school district and in accordance with specified federal law relating to the disclosure of pupil records. The bill would separately require the department to provide to the school district that is the chartering authority of a charter school, in accordance with a specified federal law relating to the disclosure of pupil records, individual pupil achievement data, including test results from the STAR Program, high school exit examination, and English language development tests, as well as pupil demographic data and program data, relating to those pupils who attend the charter school, except as specified. The bill would require the department to provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 52052 of the Education Code is amended~~
2 ~~to read:~~

3 ~~52052. (a) (1) The Superintendent, with approval of the state~~
4 ~~board, shall develop an Academic Performance Index (API), to~~
5 ~~measure the performance of schools, especially the academic~~
6 ~~performance of pupils.~~

7 ~~(2) A school shall demonstrate comparable improvement in~~
8 ~~academic achievement as measured by the API by all numerically~~
9 ~~significant pupil subgroups at the school, including:~~

10 ~~(A) Ethnic subgroups.~~

11 ~~(B) Socioeconomically disadvantaged pupils.~~

12 ~~(C) English learners.~~

13 ~~(D) Pupils with disabilities.~~

14 ~~(3) (A) For purposes of this section, a numerically significant~~
15 ~~pupil subgroup is one that meets both of the following criteria:~~

16 ~~(i) The subgroup consists of at least 50 pupils each of whom~~
17 ~~has a valid test score.~~

18 ~~(ii) The subgroup constitutes at least 15 percent of the total~~
19 ~~population of pupils at a school who have valid test scores.~~

20 ~~(B) If a subgroup does not constitute 15 percent of the total~~
21 ~~population of pupils at a school who have valid test scores, the~~
22 ~~subgroup may constitute a numerically significant pupil subgroup~~
23 ~~if it has at least 100 valid test scores.~~

24 ~~(C) For a school with an API score that is based on no fewer~~
25 ~~than 11 and no more than 99 pupils with valid test scores,~~
26 ~~numerically significant pupil subgroups shall be defined by the~~
27 ~~Superintendent, with approval by the state board.~~

28 ~~(4) The API shall consist of a variety of indicators currently~~
29 ~~reported to the department, including, but not limited to, the results~~
30 ~~of the achievement test administered pursuant to Section 60640,~~
31 ~~attendance rates for pupils in elementary schools, middle schools,~~
32 ~~and secondary schools, and the graduation rates for pupils in~~
33 ~~secondary schools.~~

34 ~~(A) Graduation rates for pupils in secondary schools shall be~~
35 ~~calculated for the API as follows:~~

36 ~~(i) Four-year graduation rates shall be calculated by taking the~~
37 ~~number of pupils who graduated on time for the current school~~
38 ~~year, which is considered to be three school years after the pupils~~

1 entered grade 9 for the first time, and dividing that number by the
2 total calculated in clause (ii).

3 (ii) The number of pupils entering grade 9 for the first time in
4 the school year three school years before the current school year,
5 plus the number of pupils who transferred into the class graduating
6 at the end of the current school year between the school year that
7 was three school years before the current school year and the date
8 of graduation, less the number of pupils who transferred out of the
9 school between the school year that was three school years before
10 the current school year and the date of graduation who were
11 members of the class that is graduating at the end of the current
12 school year.

13 (iii) Five-year graduation rates shall be calculated by taking the
14 number of pupils who graduated on time for the current school
15 year, which is considered to be four school years after the pupils
16 entered grade 9 for the first time, and dividing that number by the
17 total calculated in clause (iv).

18 (iv) The number of pupils entering grade 9 for the first time in
19 the school year four years before the current school year, plus the
20 number of pupils who transferred into the class graduating at the
21 end of the current school year between the school year that was
22 four school years before the current school year and the date of
23 graduation, less the number of pupils who transferred out of the
24 school between the school year that was four years before the
25 current school year and the date of graduation who were members
26 of the class that is graduating at the end of the current school year.

27 (v) Six-year graduation rates shall be calculated by taking the
28 number of pupils who graduated on time for the current school
29 year, which is considered to be five school years after the pupils
30 entered grade 9 for the first time, and dividing that number by the
31 total calculated in clause (vi).

32 (vi) The number of pupils entering grade 9 for the first time in
33 the school year five years before the current school year, plus the
34 number of pupils who transferred into the class graduating at the
35 end of the current school year between the school year that was
36 five school years before the current school year and the date of
37 graduation, less the number of pupils who transferred out of the
38 school between the school year that was five years before the
39 current school year and the date of graduation who were members
40 of the class that is graduating at the end of the current school year.

1 ~~(B) The inclusion of five- and six-year graduation rates for~~
2 ~~pupils in secondary schools shall meet the following requirements:~~

3 ~~(i) Schools shall be granted one-half the credit in their API~~
4 ~~scores for graduating pupils in five years that they are granted for~~
5 ~~graduating pupils in four years.~~

6 ~~(ii) Schools shall be granted one-quarter the credit in their API~~
7 ~~scores for graduating pupils in six years that they are granted for~~
8 ~~graduating pupils in four years.~~

9 ~~(iii) Notwithstanding clauses (i) and (ii), schools shall be granted~~
10 ~~full credit in their API scores for graduating in five or six years a~~
11 ~~pupil with disabilities who graduates in accordance with his or her~~
12 ~~individualized education program (IEP).~~

13 ~~(C) The pupil data collected for the API that comes from the~~
14 ~~achievement test administered pursuant to Section 60640 and the~~
15 ~~high school exit examination administered pursuant to Section~~
16 ~~60851, when fully implemented, shall be disaggregated by special~~
17 ~~education status, English learners, socioeconomic status, gender,~~
18 ~~and ethnic group. Only the test scores of pupils who were counted~~
19 ~~as part of the enrollment in the annual data collection of the~~
20 ~~California Basic Educational Data System for the current fiscal~~
21 ~~year and who were continuously enrolled during that year may be~~
22 ~~included in the test result reports in the API score of the school.~~
23 ~~Results of the achievement test and other tests specified in~~
24 ~~subdivision (b) shall constitute at least 60 percent of the value of~~
25 ~~the index.~~

26 ~~(D) Before including high school graduation rates and attendance~~
27 ~~rates in the API, the Superintendent shall determine the extent to~~
28 ~~which the data currently are reported to the state and the accuracy~~
29 ~~of the data. Notwithstanding any other law, graduation rates for~~
30 ~~pupils in dropout recovery high schools shall not be included in~~
31 ~~the API. For purposes of this subparagraph, "dropout recovery~~
32 ~~high school" means a high school in which 50 percent or more of~~
33 ~~its pupils have been designated as dropouts pursuant to the~~
34 ~~exit/withdrawal codes developed by the department.~~

35 ~~(E) The Superintendent shall provide an annual report to the~~
36 ~~Legislature on the graduation and dropout rates in California and~~
37 ~~shall make the same report available to the public. The report shall~~
38 ~~be accompanied by the release of publicly accessible data for each~~
39 ~~school district and school in a manner that provides for~~
40 ~~disaggregation based upon socioeconomically disadvantaged pupils~~

1 and numerically significant pupil subgroups scoring below average
2 on statewide standards-aligned assessments. In addition, the data
3 shall be made available in a manner that provides for comparisons
4 of a minimum of three years of data.

5 (b) Pupil scores from the following tests, when available and
6 when found to be valid and reliable for this purpose, shall be
7 incorporated into the API:

8 (1) The standards-based achievement tests provided for in
9 Section 60642.5.

10 (2) The high school exit examination.

11 (c) Based on the API, the Superintendent shall develop, and the
12 state board shall adopt, expected annual percentage growth targets
13 for all schools based on their API baseline score from the previous
14 year. Schools are expected to meet these growth targets through
15 effective allocation of available resources. For schools below the
16 statewide API performance target adopted by the state board
17 pursuant to subdivision (d), the minimum annual percentage growth
18 target shall be 5 percent of the difference between the actual API
19 score of a school and the statewide API performance target, or one
20 API point, whichever is greater. Schools at or above the statewide
21 API performance target shall have, as their growth target,
22 maintenance of their API score above the statewide API
23 performance target. However, the state board may set differential
24 growth targets based on grade level of instruction and may set
25 higher growth targets for the lowest performing schools because
26 they have the greatest room for improvement. To meet its growth
27 target, a school shall demonstrate that the annual growth in its API
28 is equal to or more than its schoolwide annual percentage growth
29 target and that all numerically significant pupil subgroups, as
30 defined in subdivision (a), are making comparable improvement.

31 (d) Upon adoption of state performance standards by the state
32 board, the Superintendent shall recommend, and the state board
33 shall adopt, a statewide API performance target that includes
34 consideration of performance standards and represents the
35 proficiency level required to meet the state performance target.
36 When the API is fully developed, schools, at a minimum, shall
37 meet their annual API growth targets to be eligible for the
38 Governor's Performance Award Program as set forth in Section
39 52057. The state board may establish additional criteria that schools

1 must meet to be eligible for the Governor's Performance Award
2 Program.

3 (e) ~~The API shall be used for both of the following:~~

4 (1) ~~Measuring the progress of schools selected for participation~~
5 ~~in the Immediate Intervention/Underperforming Schools Program~~
6 ~~pursuant to Section 52053.~~

7 (2) ~~Ranking all public schools in the state for the purpose of the~~
8 ~~High Achieving/Improving Schools Program pursuant to Section~~
9 ~~52056.~~

10 (f) (1) ~~A school with 11 to 99 pupils with valid test scores shall~~
11 ~~receive an API score with an asterisk that indicates less statistical~~
12 ~~certainty than API scores based on 100 or more test scores.~~

13 (2) ~~A school annually shall receive an API score, unless the~~
14 ~~Superintendent determines that an API score would be an invalid~~
15 ~~measure of the performance of the school for one or more of the~~
16 ~~following reasons:~~

17 (A) ~~Irregularities in testing procedures occurred.~~

18 (B) ~~The data used to calculate the API score of the school are~~
19 ~~not representative of the pupil population at the school.~~

20 (C) ~~Significant demographic changes in the pupil population~~
21 ~~render year-to-year comparisons of pupil performance invalid.~~

22 (D) ~~The department discovers or receives information indicating~~
23 ~~that the integrity of the API score has been compromised.~~

24 (E) ~~Insufficient pupil participation in the assessments included~~
25 ~~in the API.~~

26 (3) ~~If a school has fewer than 100 pupils with valid test scores,~~
27 ~~the calculation of the API or adequate yearly progress pursuant to~~
28 ~~the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301~~
29 ~~et seq.) and federal regulations may be calculated over more than~~
30 ~~one annual administration of the tests administered pursuant to~~
31 ~~Section 60640 and the high school exit examination administered~~
32 ~~pursuant to Section 60851, consistent with regulations adopted by~~
33 ~~the state board.~~

34 (g) ~~Only schools with 100 or more test scores contributing to~~
35 ~~the API may be included in the API rankings.~~

36 (h) ~~The Superintendent, with the approval of the state board,~~
37 ~~shall develop an alternative accountability system for schools under~~
38 ~~the jurisdiction of a county board of education or a county~~
39 ~~superintendent of schools, community day schools, nonpublic,~~
40 ~~nonsectarian schools pursuant to Section 56366, and alternative~~

~~1 schools serving high-risk pupils, including continuation high
2 schools and opportunity schools. Schools in the alternative
3 accountability system may receive an API score, but shall not be
4 included in the API rankings.~~

~~5 (i) (1) The department shall calculate and provide to a school
6 district a secondary API that includes the API scores of the charter
7 schools for which the school district is the chartering authority.~~

~~8 (2) A school district's secondary API score shall be used only
9 for school district purposes. A school district's API score for
10 statewide accountability purposes shall continue to be calculated
11 pursuant to Section 52052.1.~~

~~12 SEC. 2.~~

~~13 SECTION 1. Section 60607 of the Education Code is amended
14 to read:~~

~~15 60607. (a) Each pupil shall have an individual record of
16 accomplishment by the end of grade 12 that includes the results
17 of the achievement test required and administered annually as part
18 of the Standardized Testing and Reporting (STAR) Program
19 established pursuant to Article 4 (commencing with Section
20 60640), results of end-of-course exams he or she has taken, and
21 the vocational education certification exams he or she chose to
22 take.~~

~~23 (b) It is the intent of the Legislature that school districts and
24 schools use the results of the academic achievement tests
25 administered annually as part of the statewide pupil assessment
26 program to provide support to pupils and parents or guardians in
27 order to assist pupils in strengthening their development as learners,
28 and thereby to improve their academic achievement and
29 performance in subsequent assessments.~~

~~30 (c) (1) Any pupil results or a record of accomplishment shall
31 be private, and may not be released to any person, other than the
32 pupil's parent or guardian and a teacher, counselor, or administrator
33 directly involved with the pupil, without the express written consent
34 of either the parent or guardian of the pupil if the pupil is a minor,
35 or the pupil if the pupil has reached the age of majority or is
36 emancipated.~~

~~37 (2) (A) Notwithstanding paragraph (1), a pupil or his or her
38 parent or guardian may authorize the release of pupil results or a
39 record of accomplishment to a postsecondary educational
40 institution for purposes of credit, placement, or admission.~~

1 (B) Notwithstanding paragraph (1), the results of an individual
2 pupil on the California Standards Test may be released to a
3 postsecondary educational institution for purposes of credit,
4 placement, or admission.

5 (C) Notwithstanding paragraph (1), the department shall provide
6 to a school district individual pupil demographic data, program
7 data, and achievement data, including, but not limited to, the results
8 of the standards-based achievement tests that are part of the STAR
9 Program, relating to pupils who attend a charter school for which
10 the school district is the chartering authority, but shall not include
11 data from a charter school that is described in subdivision (g) of
12 Section 47605.1. The department shall provide this data, to the
13 extent it has the data, along with the unique pupil identification
14 number of each of those pupils, to the school district in accordance
15 with the federal Family Educational Rights and Privacy Act of
16 1974 (20 U.S.C. Sec. 1232g).

17 ~~SEC. 3.~~

18 *SEC. 2.* Section 60641 of the Education Code is amended to
19 read:

20 60641. (a) The department shall ensure that school districts
21 comply with each of the following requirements:

22 (1) The standards-based achievement test provided for in Section
23 60642.5 is scheduled to be administered to all pupils during the
24 period prescribed in subdivision (b) of Section 60640.

25 (2) The individual results of each pupil test administered
26 pursuant to Section 60640 shall be reported, in writing, to the
27 parent or guardian of the pupil. The written report shall include a
28 clear explanation of the purpose of the test, the score of the pupil,
29 and the intended use by the school district of the test score. This
30 subdivision does not require teachers or other school district
31 personnel to prepare individualized explanations of the test score
32 of each pupil.

33 (3) (A) The individual results of each pupil test administered
34 pursuant to Section 60640 also shall be reported to the school and
35 teachers of a pupil. The school district shall include the test results
36 of a pupil in his or her pupil records. However, except as provided
37 in this section, individual pupil test results only may be released
38 with the permission of either the pupil's parent or guardian if the
39 pupil is a minor, or the pupil if the pupil has reached the age of
40 majority or is emancipated.

1 (B) Notwithstanding subparagraph (A), a pupil or his or her
2 parent or guardian may authorize the release of individual pupil
3 results to a postsecondary educational institution for the purpose
4 of credit, placement, determination of readiness for college-level
5 coursework, or admission.

6 (C) Notwithstanding subparagraph (A), the department shall
7 provide to a school district individual pupil results for pupils
8 attending a charter school for which the school district is the
9 chartering authority, but shall not include data from a charter school
10 that is described in subdivision (g) of Section 47605.1. The
11 department shall provide this data, to the extent it has the data,
12 along with the unique pupil identification number of each of those
13 pupils, to the school district in accordance with the federal Family
14 Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec.
15 1232g).

16 (4) The districtwide, school-level, and grade-level results of the
17 STAR Program in each of the grades designated pursuant to Section
18 60640, but not the score or relative position of any individually
19 ascertainable pupil, shall be reported to the governing board of the
20 school district at a regularly scheduled meeting, and the
21 countywide, school-level, and grade-level results for classes and
22 programs under the jurisdiction of the county office of education
23 shall be similarly reported to the county board of education at a
24 regularly scheduled meeting.

25 (b) The publisher of the standards-based achievement tests
26 provided for in Section 60642.5 shall make the individual pupil,
27 grade, school, school district, and state results available to the
28 department pursuant to paragraph (9) of subdivision (a) of Section
29 60643 by August 8 of each year in which the achievement test is
30 administered for those schools for which the last day of test
31 administration, including makeup days, is on or before June 25.
32 The department shall make the grade, school, school district, and
33 state results available on the Internet by August 15 of each year
34 in which the achievement test is administered for those schools
35 for which the last day of test administration, including makeup
36 days, is on or before June 25.

37 (c) The department shall take all reasonable steps to ensure that
38 the results of the test for all pupils who take the test by June 25
39 are made available on the Internet by August 15, as set forth in
40 subdivision (b).

(d) The department shall ensure that a California Standards Test that is augmented for the purpose of determining credit, placement, or readiness for college-level coursework of a pupil in a postsecondary educational institution inform a pupil in grade 11 that he or she may request that the results from that assessment be released to a postsecondary educational institution.

~~SEC. 4.~~

SEC. 3. Section 60810.5 is added to the Education Code, to read:

60810.5. The department shall provide to a school district the individual results of the English language development tests administered pursuant to Section 60810 for pupils who attend a charter school for which the school district is the chartering authority. The department shall provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district in accordance with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g).

~~SEC. 5.~~

SEC. 4. Section 60851.5 is added to the Education Code, to read:

60851.5. The department shall provide to a school district the individual results of the high school exit examination for pupils who attend a charter school for which the school district is the chartering authority. The department shall provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district in accordance with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g).

~~SEC. 6. Section 60900 of the Education Code is amended to read:~~

~~60900. (a) The department shall contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data on the tests administered pursuant to Chapter 5 (commencing with Section 60600), Chapter 7 (commencing with Section 60810), and Chapter 9 (commencing with Section 60850). The longitudinal data shall be known as the California Longitudinal Pupil Achievement Data System.~~

~~(b) The proposals developed pursuant to subdivision (a) shall evaluate and determine whether it would be most effective, from~~

1 both a fiscal and a technological perspective, for the state to own
2 the system. The proposals shall additionally evaluate and determine
3 the most effective means of housing the system.

4 ~~(e) The California Longitudinal Pupil Achievement Data System~~
5 ~~shall be developed and implemented in accordance with all state~~
6 ~~rules and regulations governing information technology projects.~~

7 ~~(d) The system or systems developed pursuant to this section~~
8 ~~shall be used to accomplish all of the following goals:~~

9 ~~(1) To provide school districts and the department access to~~
10 ~~data necessary to comply with federal reporting requirements~~
11 ~~delineated in the federal No Child Left Behind Act of 2001 (20~~
12 ~~U.S.C. Sec. 6301 et seq.).~~

13 ~~(2) To provide a better means of evaluating educational progress~~
14 ~~and investments over time.~~

15 ~~(3) To provide local educational agencies information that can~~
16 ~~be used to improve pupil achievement.~~

17 ~~(4) To provide an efficient, flexible, and secure means of~~
18 ~~maintaining longitudinal statewide pupil level data.~~

19 ~~(5) To facilitate the ability of the state to publicly report data,~~
20 ~~as specified in Section 6401(c)(2)(D) of the federal America~~
21 ~~COMPETES Act (20 U.S.C. Sec. 9871) and as required by the~~
22 ~~federal American Recovery and Reinvestment Act of 2009 (Public~~
23 ~~Law 111-5).~~

24 ~~(6) To ensure that any data access provided to researchers, as~~
25 ~~required pursuant to the federal Race to the Top regulations and~~
26 ~~guidelines is provided, only to the extent that the data access is in~~
27 ~~compliance with the federal Family Educational Rights and Privacy~~
28 ~~Act of 1974 (20 U.S.C. Sec. 1232g).~~

29 ~~(e) In order to comply with federal law as delineated in the No~~
30 ~~Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the~~
31 ~~local educational agency shall retain individual pupil records for~~
32 ~~each test taker, including all of the following:~~

33 ~~(1) All demographic data collected from the STAR Program~~
34 ~~test, high school exit examination, and English language~~
35 ~~development tests.~~

36 ~~(2) Pupil achievement data from assessments administered~~
37 ~~pursuant to the STAR Program, high school exit examination, and~~
38 ~~English language development testing programs. To the extent~~
39 ~~feasible, data should include subscore data within each content~~
40 ~~area.~~

1 ~~(3) A unique pupil identification number to be identical to the~~
2 ~~pupil identifier developed pursuant to the California School~~
3 ~~Information Services, which shall be retained by each local~~
4 ~~educational agency and used to ensure the accuracy of information~~
5 ~~on the header sheets of the STAR Program tests, high school exit~~
6 ~~examination, and the English language development test.~~

7 ~~(4) All data necessary to compile reports required by the federal~~
8 ~~No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),~~
9 ~~including, but not limited to, dropout and graduation rates.~~

10 ~~(5) Other data elements deemed necessary by the~~
11 ~~Superintendent, with approval of the state board, to comply with~~
12 ~~the federal reporting requirements delineated in the No Child Left~~
13 ~~Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and the~~
14 ~~American Recovery and Reinvestment Act of 2009 (Public Law~~
15 ~~111-5), after review and comment by the advisory board convened~~
16 ~~pursuant to subdivision (h). Before the implementation of this~~
17 ~~paragraph with respect to adding data elements to the California~~
18 ~~Longitudinal Pupil Achievement Data System for the purpose of~~
19 ~~complying with the federal American Recovery and Reinvestment~~
20 ~~Act of 2009 (Public Law 111-5), the department and the~~
21 ~~appropriate postsecondary education agencies shall submit an~~
22 ~~expenditure plan to the Department of Finance detailing any~~
23 ~~administrative costs to the department and costs to any local~~
24 ~~educational agency, if applicable. The Department of Finance shall~~
25 ~~provide to the Joint Legislative Budget Committee a copy of the~~
26 ~~expenditure plan within 10 days of receipt of the expenditure plan~~
27 ~~from the department.~~

28 ~~(6) To enable the department, the University of California, the~~
29 ~~California State University, and the Chancellor of the California~~
30 ~~Community Colleges to meet the requirements prescribed by the~~
31 ~~federal American Recovery and Reinvestment Act of 2009 (Public~~
32 ~~Law 111-5), these entities shall be authorized to obtain quarterly~~
33 ~~wage data, commencing July 1, 2010, on students who have~~
34 ~~attended their respective systems, to assess the impact of education~~
35 ~~on the employment and earnings of those students, to conduct the~~
36 ~~annual analysis of district-level and individual district or~~
37 ~~postsecondary education system performance in achieving priority~~
38 ~~educational outcomes, and to submit the required reports to the~~
39 ~~Legislature and the Governor. The information shall be provided~~
40 ~~to the extent permitted by federal statutes and regulations.~~

1 ~~(f) The California Longitudinal Pupil Achievement Data System~~
2 ~~shall have all of the following characteristics:~~

3 ~~(1) The ability to sort by demographic element collected from~~
4 ~~the STAR Program tests, high school exit examination, and English~~
5 ~~language development test.~~

6 ~~(2) The capability to be expanded to include pupil achievement~~
7 ~~data from multiple years.~~

8 ~~(3) The capability to monitor pupil achievement on the STAR~~
9 ~~Program tests, high school exit examination, and English language~~
10 ~~development test from year to year and school to school.~~

11 ~~(4) The capacity to provide data to the state and local educational~~
12 ~~agencies upon their request.~~

13 ~~(g) Data elements and codes included in the system shall comply~~
14 ~~with Sections 49061 to 49079, inclusive, and Sections 49602 and~~
15 ~~56347, with Sections 430 to 438, inclusive, of Title 5 of the~~
16 ~~California Code of Regulations, with the Information Practices~~
17 ~~Act of 1977 (Chapter 1 (commencing with Section 1798) of Title~~
18 ~~1.8 of Part 4 of Division 3 of the Civil Code), and with the federal~~
19 ~~Family Educational Rights and Privacy Act of 1974 (20 U.S.C.~~
20 ~~Sec. 1232g), Section 1232h of Title 20 of the United States Code,~~
21 ~~and related federal regulations.~~

22 ~~(h) The department shall convene an advisory board consisting~~
23 ~~of representatives or designees from the state board, the Department~~
24 ~~of Finance, the State Privacy Ombudsman, the Legislative~~
25 ~~Analyst's Office, representatives of parent groups, school districts,~~
26 ~~and local educational agencies, and education researchers to~~
27 ~~establish privacy and access protocols, provide general guidance,~~
28 ~~and make recommendations relative to data elements. The~~
29 ~~department is encouraged to seek representation broadly reflective~~
30 ~~of the general public of California.~~

31 ~~(i) Subject to funding being provided in the annual Budget Act,~~
32 ~~the department shall contract with a consultant for independent~~
33 ~~project oversight. The Director of Finance shall review the request~~
34 ~~for proposals for the contract. The consultant hired to conduct the~~
35 ~~independent project oversight shall twice annually submit a written~~
36 ~~report to the Superintendent, the state board, the advisory board,~~
37 ~~the Director of Finance, the Legislative Analyst, and the~~
38 ~~appropriate policy and fiscal committees of the Legislature. The~~
39 ~~report shall include an evaluation of the extent to which the~~
40 ~~California Longitudinal Pupil Achievement Data System is meeting~~

1 the goals described in subdivision (d) and recommendations to
2 improve the data system in ensuring the privacy of individual pupil
3 information and providing the data needed by the state and school
4 districts.

5 (j) This section shall be implemented using federal funds
6 received pursuant to the No Child Left Behind Act of 2001 (20
7 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of
8 this section in Item 6110-113-0890 of Section 2.00 of the Budget
9 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
10 these funds is contingent on approval of an expenditure plan by
11 the Department of Finance.

12 (k) For purposes of this chapter, a local educational agency shall
13 include a county office of education, a school district, and a charter
14 school.

15 (l) The department shall provide to a school district access to
16 view and download the individual pupil records in the California
17 Longitudinal Pupil Achievement Data System for pupils who attend
18 a charter school for which the school district is the chartering
19 authority in accordance with the federal Family Educational Rights
20 and Privacy Act of 1974 (20 U.S.C. Sec. 1232g). This subdivision
21 applies only to records that are specifically authorized by
22 subparagraph (C) of paragraph (2) of subdivision (c) of Section
23 60607, subparagraph (C) of paragraph (3) of subdivision (a) of
24 Section 60641, and Sections 60810.5 and 60851.5.